



15437-0624

**PATENT APPLICATION**

**DECLARATION AND POWER OF ATTORNEY**  
**Original Application**

As below named inventors, we declare that we have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this Declaration, that the information given herein is true, that we believe that we are an original, first and joint inventor of the invention entitled:

**DISTRIBUTED COMPUTER PLATFORM WITH FLEXIBLE CONFIGURATION**

which is described and claimed in:

\_\_\_ the attached specification or

X the specification in application Serial No. 10/603,404 filed June 24, 2003.

The present application is a continuation-in-part of Prior Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, and may be considered to disclose and claim subject matter in addition to that disclosed in the Prior Application, and I hereby claim the benefit of 35 U.S.C. Section 120.

that we acknowledge our duty to disclose information in accordance with 37 C.F.R. Section 1.56 and defined on the attached sheet, which is material to the examination of this application, that we do not know and do not believe the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application and that as to applications for patent or inventor's certificate filed by us or my legal representatives or assigns in any country foreign to the United States of America, the earliest filed foreign application(s) filed within twelve months prior to the filing date of this application and all foreign applications filed more than twelve months prior to the filing date of this application, if any, are identified below.

CHECK APPROPRIATE BOX

- ☐ No earlier-filed foreign applications.
- ☒ Required information as to foreign applications filed prior to filing date of this application is on page 2 attached hereto and made a part hereof.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications(s):**

Number	Country	Day/Month/Year filed	Priority Claimed
0207799	France	6/24/02	<input checked="" type="checkbox"/>

**POWER OF ATTORNEY:**

As named inventor, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Registration No.</u>	<u>Name</u>	<u>Registration No.</u>
Anirma R. Gupta	38,275	Brian D. Hickman	35,894
Jeffrey L. Myers	44,252	Christopher J. Palermo	42,056
Noreen A. Krall	39,734	Bobby K. Truong	37,499
Bernice B. Chen	42,403	Edward A. Becker	37,777
Andrew C. Chen	43,544	Marcel K. Bingham	42,327
Marilyn E. Glaubenskle	35,521	Craig G. Holmes	44,770
Monica L. Ward	40,696	John D. Henkhaus	42,656
Sean P. Lewis	42,798	Christian A. Nicholes	50,266
Elaine K. Lee	41,936	Christopher J. Brokaw	45,620
Marc D. Foodman	34,110	David Lewis	33,101
Paul D. Sorkin	39,039	Michael J. Meehan	54,705
Arien C. Ferrell	46,696	Paul A. Durdik	37,819
Joseph A. Twarowski	42,191	Kirk D. Wong	43,284
of SUN MICROSYSTEMS, INC.		of HICKMAN	
		PALERMO TRUONG &	
		BECKER, LLP	

Send Correspondence to:  
 Bobby K. Truong  
 Hickman Palermo Truong & Becker, LLP  
 1600 Willow Street  
 San Jose, California 95125-5106

Telephone: (408) 414-1080  
 Facsimile: (408) 414-1076  
 E-mail: btruong@hptb-law.com

15437-0624

Full name of sole or first inventor: CHRISTIAN JACQUEMOT

Residence: City: Saint Germain Les Corbeil State: Country: France

Citizenship:

Mailing Address: 54, Rue Catherine Lacoste F-91250

Mailing Address: City: Saint Germain Les Corbeil State: Zip: Country: France

Full name of second inventor: FREDERIC ~~HERRMANN~~ HERMANN FH 18Feb04

Residence: City: Grenoble State: Country: France

Citizenship: French

Mailing Address: 44 Rue de Mortillet

Mailing Address: City: 38000 Grenoble State: Zip: Country: France

Full name of third inventor: PLAMEN PETROV

Residence: City: Barrington State: IL Country:

Citizenship:

Mailing Address: 5055 Dukeberry Lane

Mailing Address: City: Barrington State: IL Zip: 60010 Country:

Full name of fourth inventor: FRANCIS PRUSKER

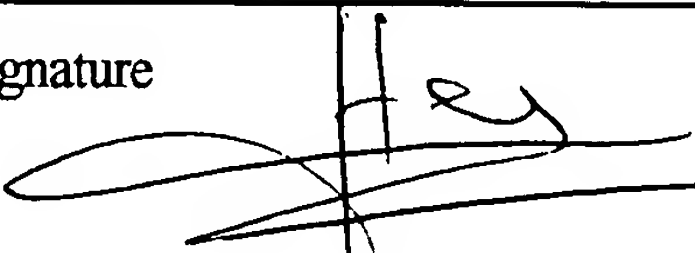
Residence: City: Le Roi State: Country: France

Citizenship:

Mailing Address: 25, la Gaillarderie, 78590 Noisy

Mailing Address: City: Le Roi State: Zip: Country: France

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name (Second Inventor)	Signature	Date
<b>FREDERIC HERRMANN</b>		18 Feb. 94

HERRMANN

FH 18 Feb 94

## Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applications to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any considerations given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.



Attorney Docket No.: SUN-P7063

## Declaration and Power of Attorney for a Patent Application

### Declaration

As below named inventor, I hereby declare that my residence post office address, and citizenship are as stated below my name. Further, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DISTRIBUTED COMPUTER PLATFORM WITH FLEXIBLE CONFIGURATION

the specification of which:

☒ is attached hereto, or  
\_\_\_\_\_ was filed on \_\_\_\_\_ as application serial no. \_\_\_\_\_ : and  
\_\_\_\_\_ was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; and

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

### Foreign Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Date Filed	Priority Claimed
WO/0184313	FRANCE	06/24/02	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
_____	_____	_____	<input type="checkbox"/> yes <input type="checkbox"/> no

### U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 and 119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status (patented/pending/abandoned)
_____	_____	_____
_____	_____	_____



**Power of Attorney**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent Trademark Office connected therewith.

James P. Hao	Registration No.: 36,398
Anthony C. Murabito	Registration No.: 35,295
John P. Wagner	Registration No.: 35,398
Glenn D. Barnes	Registration No.: 42,293
Thomas M. Catale	Registration No.: 46,434
Jose S. Garcia	Registration No.: 43,628
Eric J. Gash	Registration No.: 46,274
Lin C. Hsu	Registration No.: 46,315
Ronald M. Pomerence	Registration No.: 43,009
John F. Ryan	Registration No.: 47,050
Matthew J. Blecher	Registration No.: 46,558
Lawrence R. Goerke	Registration No.: 45,927
Reginald A. Ratliff	Registration No.: 48,098
William A. Zarbis	Registration No.: 46,120
Mehlin Dean Matthews	Registration No.: 46,127
Joel D. Youngs	Registration No.: 52,389
Michael R. Hardaway	Registration No.: 52,992
Timothy J. Crean	Registration No.: 37,116
Alexander E. Silverman	Registration No.: 37,940
Anirma R. Gupta	Registration No.: 38,275
Sean P. Lewis	Registration No.: 42,798
Michael J. Schallop	Registration No.: 44,319
Bernice B. Chen	Registration No.: 42,403
Noreen A. Krall	Registration No.: 39,734
Pavel I. Pogodin	Registration No.: 48,205
Monica Ward	Registration No.: 40,696
Marc D. Foodman	Registration No.: 34,110
Elaine Lee	Registration No.: 41,936
Paul D. Sorkin	Registration No.: 39,039
Marilyn E. Glaubensklea	Registration No.: 35,521
Andrew C. Chen	Registration No.: 43,554
Jeffrey L. Myers	Registration No.: 44,252
Arien Ferrell	Registration No.: 46,696


Send Correspondence to:

WAGNER, MURABITO & HAO LLP  
Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060

## Signatures

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: Christian Jacquemot

Inventor's Signature  Date 06 / 23 / 03  
Residence 54, rue Catherine Lacoste F-91250, Saint Germain Les Corbeil France Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 54 rue Catherine Lacoste 91250 Saint Germain Les Corbeil France

Full Name of Second/Joint Inventor: Frederic Herrman

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Palo Alto, CA Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 3714 Carlson Circle, Palo Alto, CA 94306

Full Name of Third/Joint Inventor: Plamen Petrov

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Barrington, IL Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 5055 Dukeberry Lane, Barrington, IL 60010

Full Name of Fourth/Joint Inventor: Francis Prusker

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 25, 1a Gaillarderie, 78590 Noisy Le Roi, France Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 25, 1a Gaillarderie, 78590 Noisy Le Roi, France



Attorney Docket No.: SUN-P7063

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San Jose, California 95113  
(408) 938-9060

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Full Name of Sole/First Inventor: Christian Jacquemot

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 54, rue Catherine Lacoste F-91250, Saint Germain Les Corbeil France Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 54 rue Catherine Lacoste 91250 Saint Germain Les Corbeil France

Full Name of Second/Joint Inventor: Frederic Herrman

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Palo Alto, CA Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 3714 Carlson Circle, Palo Alto, CA 94306

Full Name of Third/Joint Inventor: Plamen Petrov

Inventor's Signature  Date June 21, 2003  
Residence Barrington, IL Citizenship USA  
(City State)  
P.O. Address 5055 Dukeberry Lane, Barrington, IL 60010

Full Name of Fourth/Joint Inventor: Francis Prusker

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 25, la Gaillarderie, 78590 Noisy Le Roi, France Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 25, la Gaillarderie, 78590 Noisy Le Roi, France

Send Correspondence to:

WAGNER, MURABITO & HAO LLP  
Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060

## Signatures

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Full Name of Sole/First Inventor: Christian Jacquemot

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 54, rue Catherine Lacoste F-91250, Saint Germain Les Corbeil France Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 54 rue Catherine Lacoste 91250 Saint Germain Les Corbeil France


Full Name of Second/Joint Inventor: Frederic Herrman

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Palo Alto, CA Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 3714 Carlson Circle, Palo Alto, CA 94306

Full Name of Third/Joint Inventor: Plamen Petrov

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Barrington, IL Citizenship \_\_\_\_\_  
(City State)  
P.O. Address 5055 Dukeberry Lane, Barrington, IL 60010

Full Name of Fourth/Joint Inventor: Francis Prusker

Inventor's Signature  Date 23 June 2003  
Residence 25, la Gaillarderie, 78590 Noisy Le Roi, France Citizenship French  
(City State)  
P.O. Address 25, la Gaillarderie, 78590 Noisy Le Roi, France



# COPY

Attorney Docket No. 15437-0624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 4187

Christian Jacquemont, et al.

Group Art Unit No.: 2171

Serial No.: 10/603,404

Examiner: NYA

Filed on: June 24, 2003

For: DISTRIBUTED COMPUTER PLATFORM  
WITH FLEXIBLE CONFIGURATION

**REVOCATION AND NEW APPOINTMENT OF  
POWER OF ATTORNEY BY ASSIGNEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned representative of Sun Microsystems, Inc., a Delaware corporation, having a principle place of business at 4150 Network Circle, Santa Clara, California 95054, owner by virtue of assignment of the above-identified patent application, hereby revokes any and all previous Powers of Attorney and appoints the following attorneys and/or agents to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Registration No.</u>	<u>Name</u>	<u>Registration No.</u>
Anirma R. Gupta	38,275	Brian D. Hickman	35,894
Jeffrey L. Myers	44,252	Christopher J. Palermo	42,056
Noreen A. Krall	39,734	Bobby K. Truong	37,499
Bernice B. Chen	42,403	Edward A. Becker	37,777
Andrew C. Chen	43,544	Marcel K. Bingham	42,327
Marilyn E. Glaubenskleee	35,521	Craig G. Holmes	44,770
Monica L. Ward	40,696	John D. Henkhaus	42,656
Sean P. Lewis	42,798	Christian A. Nicholes	50,266
Elaine K. Lee	41,936	Christopher J. Brokaw	45,620
Marc D. Foodman	34,110	David Lewis	33,101
Paul D. Sorkin	39,039	Michael J. Meehan	54,705
Arien C. Ferrell	46,696	Paul A. Durdik	37,819
Joseph A. Twarowski	42,191	Kirk D. Wong	43,284
of SUN MICROSYSTEMS, INC.		of HICKMAN PALERMO TRUONG & BECKER, LLP	

Send Correspondence to: Hickman Palermo Truong & Becker, LLP 1600 Willow Street San Jose, California 95125-5106	Telephone: (408) 414-1080 Facsimile: (408) 414-1076 E-mail: btruong@hptb-law.com
--	--

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of Sun Microsystems, Inc., a corporation, the assignee of the entire right, title and interest of the above-captioned patent by virtue of an assignment from the inventor(s) of said application.

I further certify that I have reviewed all the documents in the chain of title of the patent identified above, that the Assignment from 3 of the 4 inventors has been recorded in the U.S. Patent and Trademark Office at reel no. 014256, frame 0595, a copy of the assignment from the 4<sup>th</sup> inventor (copy attached) that I have reviewed the Assignment recorded at said reel and frame and the attached Assignment, and that to the best of my knowledge and belief title is in the above-noted assignee.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sun Microsystems, Inc.

Dated: 3/8/04

By: 

Arien Ferrell

Title: Patent Counsel

## ASSIGNMENT

FH 18 Feb 04  
KNOW ALL MEN BY THESE PRESENTS, That Whereas we, **CHRISTIAN LACQUEMOT, FREDERIC HERRMANN, PLAMEN PETROV, and FRANCIS PRUSKER**, have invented certain new and useful improvements in **DISTRIBUTED COMPUTER PLATFORM WITH FLEXIBLE CONFIGURATION**, Serial No. 10/603,404, filed on June 24, 2003, for which an application for Letters Patent of the United States of America has been executed; and

WHEREAS **SUN MICROSYSTEMS, INC.**, a corporation duly organized and existing under the laws of Delaware, and having an address at 4150 Network Circle, Santa Clara, California 95054, is desirous of acquiring an interest therein and in the Letters Patent to be obtained therefor from the United States;

NOW THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations to us by **SUN MICROSYSTEMS, INC.**, the receipt whereof is hereby acknowledged, we do hereby sell, assign, transfer and set over unto **SUN MICROSYSTEMS, INC.**, its successors and assigns, the entire right, title and interest in, to and under the said application for United States Letters Patent, including all priority rights arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries which may be granted for the said inventions, or any of them.

TO HAVE, HOLD and ENJOY the said inventions, the said Application, and the said Letters Patent to said **SUN MICROSYSTEMS, INC.**, its successors and assigns, to its and their own use and behoof to the full end of the term or terms for which the said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

And we do hereby authorize and request the Commissioner of Patents of the United States to issue any United States Letters Patent which may be granted on the said application, or any divisional, reissue or continuation applications, or for the said inventions, or any of them, to said **SUN**

**MICROSYSTEMS, INC.**, its successors and assigns, as assignees of the entire right, title and interest therein and thereto.

And we do hereby, for ourselves and for our legal representatives, covenant and agree with **SUN MICROSYSTEMS, INC.**, its successors and assigns, that we have granted to others no license to make, use or sell any of the said inventions, that our right, title and interest in the said inventions has not been encumbered, that we have good right and title to sell and assign the same, and that we will not execute any instrument in conflict herewith.

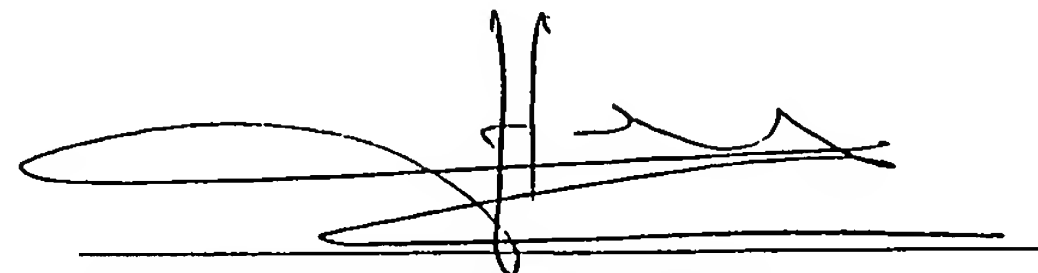
And we do hereby, for ourselves and for our legal representatives, further covenant and agree with **SUN MICROSYSTEMS, INC.**, its successors and assigns, that upon request we will, and they shall, execute divisional, reissue or continuation applications, amended specifications, or rightful oaths; communicate to **SUN MICROSYSTEMS, INC.**, its successors and assigns, any facts known to us relating to the said inventions or the history thereof; execute preliminary statements and testify in any interference proceedings; execute and deliver any application papers, assignments, or other instruments, and do all other acts which, in the opinion of counsel for **SUN MICROSYSTEMS, INC.**, may be necessary or convenient to secure the grant of Letters Patent to **SUN MICROSYSTEMS, INC.**, its successors and assigns, or its nominees, in the United States and in all other countries where **SUN MICROSYSTEMS, INC.**, may desire to have the said inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for **SUN MICROSYSTEMS, INC.**, and to vest and confirm in **SUN MICROSYSTEMS, INC.**, its successors and assigns, or its nominees, the full and complete legal and equitable title to all such Letters Patent, without further consideration than now paid but at the expense of **SUN MICROSYSTEMS, INC.**, its successors or assigns.

The undersigned hereby grants the firm of Hickman Palermo Truong & Becker, LLP of 1600 Willow Street, San Jose, California 95125-5106 the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.



IN WITNESS WHEREOF, we have hereunto set our hand and seal on the date indicated  
below:

Dated: 18 February, 2004



FREDERIC HERRMANN

HERRMANN

FM 18 Feb 2004

**HICKMAN PALERMO TRUONG & BECKER, LLP**  
1600 Willow Street  
San Jose, California 95125-5106